



POLICE DEPARTMENT

July 6, 2015

MEMORANDUM FOR: Police Commissioner

Re: Lieutenant Christophe Lagrasta
Tax Registry No. 906601
46 Precinct
Disciplinary Case No. 2013-9650

The above-named member of the Department appeared before me on May 27, 2015, charged with the following:

1. Said Lieutenant Christophe Lagrasta, on or about January 3, 2012, at approximately 1145 hours, while assigned to PSA 8 and on duty, in the vicinity of the PSA 8 Station House, Bronx County, abused his authority as a member of the New York City Police Department in that he participated in a strip search of Clifton Little without sufficient legal authority.

P.G. 208-05, Page 2, Paragraph C - ARRESTS - GENERAL SEARCH
GUIDELINES

The Civilian Complaint Review Board (CCRB) was represented by Vanessa McEvoy, Esq., Respondent was represented by Michael Lacondi, Esq.

Respondent through his counsel, entered a plea of Not Guilty to the subject charge. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent is found Not Guilty.

FINDINGS AND ANALYSIS

On January 3, 2012, Respondent was assigned to the Intelligence Division for PSA 8. On that date, Clifton Little was wanted for an armed robbery of a cab driver. Respondent testified he knew Little prior to this date from having observed him doing drug sales and that he had information from confidential informants that Little sells crack and always carries a firearm. On January 3rd at approximately 11:30 AM, Respondent received information that Little was in a bodega. Respondent, Police Officer Mark Ward, and Captain Maloney went to the bodega and apprehended Little. Little was frisked at the bodega and was taken to the precinct.

The events at the precinct are in dispute. Little, who is currently serving 12 years in a maximum security facility for the robbery of the cab driver, appeared in this trial via videoconferencing. By his own testimony, he has been convicted of four felonies (Tr. p. 6). He testified that once he got to the precinct on January 3, 2012, he was taken straight to a room in the back by Respondent and Ward. (Tr. p. 22). He stated that once he was inside the room they uncuffed one of his wrists at a time to allow him to take his hoody and his jacket off. (Tr. p. 23). He then had one hand cuffed to a rail in the room and after having a discussion with Respondent about why he was arrested, Little testified that Ward told him he needed to strip. (Tr. p. 24). He further testified that Respondent instructed him that is what he needed to do since he has a drug record and they know he keeps the drugs in his "butt". (Tr. p. 25). As Little described it, he first took his sneakers off and Respondent removed the shoelaces and insoles. Little next took his socks off and gave them to Ward. When Little asked Respondent again what he was being arrested for, Respondent left the room. Little stated that at the point Respondent left he had his shoes

and socks off and was in the process of taking his shirt off as per Respondent's instructions. (Tr. pp. 26-27). Little testified that Ward continued having him take all his clothes off and having him squat while he had his pants off. (Tr. p. 29). Little stated he only saw Respondent again after he was getting dressed when Respondent told him the 40 Precinct was coming to pick him up. (Tr. p. 30).

Respondent testified that once he got back to the precinct, he went back into his own office while Ward was processing Little. He further testified that he did not see what Ward did with Little and that he never instructed Ward to strip search Little. Respondent denied having any knowledge that a strip search was done and testified he did not see Little removing any of his clothing. (Tr. pp. 64-65).

Ward's interview at CCRB was admitted into evidence. Ward did not testify at the trial. In his interview, Ward stated that he alone was in the back room with Little and that he alone conducted the strip search. (CCRB X 1A, p. 15) Ward said that Respondent told him to do the strip search. (CCRB X 1A, p. 21). Ward plead guilty to conducting the strip search, but upon review by the Police Commissioner, Ward received a dismissal of the specification in favor of a B-CD. (CCRB X 2).

Based on the testimony of Little and the hearsay testimony of Ward, it is apparent that Little was strip searched. The issue in this case is whether Respondent participated in that search. I find that it has not been proven by a preponderance of the evidence that he did participate.

There is not sufficient credible evidence to conclude that Respondent was in the room while Little was strip searched. Little's testimony that Respondent was present is

not corroborated by Ward's hearsay statement about who was in the room during the strip search. Ward does not place Respondent in the room at any point during the strip search.

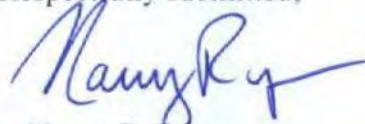
Little's testimony on its own is lacking in credibility. Little did not report the strip search to CCRB until July, 2012, about 6 months after the incident, (Tr. p. 31) and in this complaint he only mentioned Ward, and not Respondent. The reason he provided for the delay was that, "because out of fear I believed that I was going to end up being home and I was going to be around these same officers again. I was kind of in fear that they would know that I seek any type of action against them and I was scared they might retaliate." (Tr. p. 31) It is noteworthy that this explanation talks about being in fear of both officers. This completely undercuts Little's explanation that he only mentioned Ward in the initial report because he saw Respondent more in the community. He initially expressed fear of retaliation from both of them and he had had previous encounters with both officers. I find the more likely explanation for not mentioning Respondent in the original complaint to CCRB is because, as Respondent testified, and as was supported by Ward's hearsay, Respondent was not present during any portion of the strip search.

The remaining question is whether Respondent participated by instructing Ward to conduct a strip search. It is not necessary to reach the question of whether such an instruction would be considered to be participation since I find there is not sufficient evidence to conclude that Respondent did in fact give such an instruction. Since I do not credit Little's testimony as to Respondent's presence in the back room or to any statements Little said he made there, the only evidence we have of strip search instruction being given by Respondent is in Ward's hearsay statement. Any such evidence which is not subject to cross examination must be given careful scrutiny. Here

there is a possible reason for Ward, who plead guilty, to deflect or mitigate any guilt by saying he was ordered to take the actions he did. In any event having had the opportunity to observe Respondent testify in this case, I found his testimony to be credible and accept his denial of having given any instructions to Ward to conduct a strip search.


Respondent therefore is found Not Guilty.

Respectfully submitted,



Nancy R. Ryan
Assistant Deputy Commissioner – Trials

APPROVED

SEP 22 2019

WILLIAM J. BRATTON
POLICE COMMISSIONER